IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order st no.l5l7 of 2006
with
Civil Appln nos 75 & 76 of 2006

Mun Corpn of Gr Mumbai and ors.. appellants
vs
New Era Fabrics Ltd and ors.. respondents

Mrs Geeta Joglekar for BMC appellants
Mr M M Vashi for respondents

CORAM; A.M.KHANWILKAR J.

DATED 7.3.2006

P.C.

. Heard learned counsel for the parties. This application is opposed by the respondents pointing out that the statement of fact made in the application for condonation of delay is incorrect. In the application it is stated that the order was passed on 7.l0.2005 and in view of the opinion expressed in the department the applicants decided to prefer appeal against the impugned order for which reason they applied for certified copy on 9.l2.2005,which however, is not ready. This statement is made on affidavit sworn on 9.l.2006. Whereas the certified copy of the impugned order now placed on record at the instance of the applicants indicates that the application for

certified copy was made on 8.ll.2005 and not 9.l2.2005. The certified copy was made ready and delivered on 20.l2.2005, however, in the application it is stated that the same is still not made ready, which statement is made on 9.l.2006. There is substance in the objection taken on behalf of the respondent that the applicants have not approached this court with clean hands.On this ground the application deserves to be rejected.

. It is undisputed that the order which is appealed in the present Appeal From Order is ad-interim order and the notice of motion is still pending. In such situation as is rightly contended by the counsel for the respondent, the trial court can be asked to decide the main notice of motion no.3728 of 2005. The trial court shall dispose of the said notice of motion expeditiously preferably by the end of April 2006. The Appeal as well as the civil applications stand disposed of.